

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Dec 19, 2018

SEAN F. McAVOY, CLERK

DONNA N.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1:18-CV-03075-SMJ

**ORDER GRANTING
STIPULATED MOTION FOR
REMAND**

Before the Court, without oral argument, is the parties' Stipulated Motion for Remand, ECF No. 16. Having reviewed the stipulated pleading and the file in this matter, the Court is fully informed and grants the motion.

Accordingly, **IT IS HEREBY ORDERED:**


1. The parties' Stipulated Motion for Remand, **ECF No. 16**, is **GRANTED**.
2. The above-captioned case shall be **REVERSED** and **REMANDED** for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the administrative law judge ("ALJ") shall offer Plaintiff an opportunity for a new hearing and issue a new decision. The Appeals Council shall instruct the ALJ to:

- 1 *A.* Further develop the record, as necessary;
- 2 *B.* Reevaluate Plaintiff’s fibromyalgia pursuant to Social Security
- 3 Ruling (“SSR”) 12-2p;
- 4 *C.* Evaluate Plaintiff’s migraines under the most relevant listing;
- 5 *D.* Further assess Plaintiff’s residual functional capacity in
- 6 accordance with SSR 96-8p;
- 7 *E.* Further evaluate the medical opinion evidence and subjective
- 8 symptoms;
- 9 *F.* If warranted, obtain medical expert evidence regarding the
- 10 nature and severity of Plaintiff’s limitations; and
- 11 *G.* Obtain vocational expert evidence to clarify the effect of the
- 12 assessed limitations on Plaintiff’s ability to perform other work
- 13 existing in the national economy.
- 14 3. The Clerk’s Office is **DIRECTED** to **STRIKE** Plaintiff’s Motion for
- 15 Summary Judgment, ECF No. 12.
- 16 4. The Clerk’s Office is **DIRECTED** to **ENTER JUDGMENT** for
- 17 Plaintiff.
- 18 5. The parties agree that reasonable attorney fees should be awarded
- 19 under the Equal Access to Justice Act, 28 U.S.C. § 2412, upon proper
- 20

1 request to the Court. Plaintiff shall file such motion, if any, no later
2 than **February 19, 2019**.

3 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and
4 provide copies to all counsel.

5 **DATED** this 19th day of December 2018.

6 
7 SALVADOR MENDOZA, JR.
United States District Judge